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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,598	06/07/2000	Erik A. Colban	032292-020	9558

27045 7590 03/29/2004

ERICSSON INC.  
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PLANO, TX 75024

EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/588,598

Applicant(s)

COLBAN, ERIK A.

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Objections***

2. Claims 1-12 are objected to because of the following informalities:

In claim 1 line 1, it is suggested to change “method for” to --- A method for ---.

In claim 1 line 5, it is suggested to change “which fax messages” to --- which the fax messages ---.

In claim 1 line 6, it is suggested to change “the messages” to --- the fax messages ---.

In claim 2 line 1, it is suggested to change “Arrangement according” to --- The method according ---.

In claim 3 line 1, it is suggested to change “Method according” to --- The method according ---.

In claim 4 line 1, it is suggested to change “Method according” to --- The method according ---.

In claim 4 line 5, it is suggested to delete “[as specified in IETF RFC 1661 and 1662]”.

In claim 5 line 1, it is suggested to change “System for” to --- A system for ---.

In claim 5 line 5 and line 6, it is suggested to change “which fax messages” to --- which the fax messages ---.

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In claim 6 line 1, it is suggested to change "System according" to ---The system according ---. Similar problems exist in claim 7 line 1; claim 8 line 1; claim 9 line 1; and claim 10 line 1.

In claim 8 line 5, it is suggested to delete "[as specified in IETF RFC 1661 and 1662]".

In claim 9 line 5, it is suggested to change "fax gateway" to --- the fax gateway ---.

In claim 11 line 1, it is suggested to change "in a system" to --- in the system ---.

In claim 12 line 2, it is suggested to change "the fax machine" to --- the standard fax machine ---.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. Claims 1-2, 5-6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 4, recites the limitation "the fax messages" lack clear antecedent basis.

In claim 2 line 3, recites the limitation "the fax messages" lack clear antecedent basis.

In claim 5 line 4, recites the limitation "the fax messages" lack clear antecedent basis.

In claim 6 line 3, recites the limitation "the fax messages" lack clear antecedent basis.

In claim 11 line 2, recites the limitation "the mobile station" lack clear antecedent basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al. (U.S. Patent 6,057,943) in view of "Procedures for real-time Group 3 facsimile communication over IP networks" ITU-T, Series T: Terminals for Telematic Services, T.38, (06/98).

For claim 1, Kweon et al. disclose G3 facsimile transmission method on CDMA cellular networks, characterised in that the mobile network is provided with an IP layer for transporting the fax messages (figure 5, col. 5 lines 18-28), which fax messages are transported according to ITU-T protocols T.4 and T.30 whereupon the messages are mapped onto TCP or UDP packets according to the ITU-T T.38 protocol, which in turn are mapped onto RLP frames (figures 6 and 7, col. 5 line 29 to col. 6 line 7). However, Kweon et al. do not disclose the ITU-T T.38 protocol. In an analogous art, ITU-T, Series T: Terminals for Telematic Services, T.38 discloses the ITU-T T.38 protocol (see Procedures for real-time Group 3 facsimile communication over IP networks" ITU-T, Series T: Terminals for Telematic Services, T.38, (06/98)).

One skilled in the art would have recognized the ITU-T T.38 protocol to use the teachings of ITU-T (Telecommunication Standardization Sector of ITU) in the system of Kweon et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the ITU-T T.38 protocol as taught by ITU-T (Telecommunication Standardization Sector of ITU) in Kweon et al.'s system with the motivation being to transfer facsimile documents in real-time between two standard Group 3 facsimile terminals over the Internet or other networks using IP protocols (see Summary section, lines 1-3).

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For claim 3, Kweon et al. disclose TCP/IP header compression is applied (figure 6, col. 8 lines 1-2).

For claim 4, Kweon et al. disclose mapping of IP packets onto RLP frames is performed by transporting the IP packets on an asynchronous connection using the Point to Point protocol (PPP) (as specified in IETF RFC 1661 and 1662) between the Mobile Station (MS) and the Interworking Function (IWF) (figure 6, col. 5 line 55 to col. 6 line 7).

For claims 5 and 9-10, Kweon et al. disclose G3 facsimile transmission method on CDMA cellular networks, characterised in that the mobile network is provided with an IP layer for transporting the fax messages (figure 5, col. 5 lines 18-28), which fax messages are transported according to ITU-T protocols T.4 and T.30 whereupon the messages are mapped onto TCP or UDP packets according to the ITU-T T.38 protocol, which in turn are mapped onto RLP frames (figures 6 and 7, col. 5 line 29 to col. 6 line 7). However, Kweon et al. do not disclose the ITU-T T.38 protocol. In an analogous art, ITU-T, Series T: Terminals for Telematic Services, T.38 discloses the ITU-T T.38 protocol (see Procedures for real-time Group 3 facsimile communication over IP networks" ITU-T, Series T: Terminals for Telematic Services, T.38, (06/98)).

ITU-T discloses further the mobile network is provided with a fax gateway, which may be placed in a Mobile Switching Centre (MSC) or separated from the MSC by an IP network, and which fax gateway is compliant with T.38 terminology (figure 1/T.38, section 6.2 as set forth in claim 9); the system can be adapted to packet switched transmission in the mobile network (see Introduction section, lines 23-24 as set forth in claim 10).

One skilled in the art would have recognized the ITU-T T.38 protocol to use the teachings of ITU-T (Telecommunication Standardization Sector of ITU) in the system of Kweon et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the ITU-T T.38 protocol as taught by ITU-T (Telecommunication Standardization Sector of ITU) in Kweon et al.'s system with the motivation being to transfer facsimile documents in real-time between two standard Group 3 facsimile terminals over the Internet or other networks using IP protocols (see Summary section, lines 1-3).

For claim 7, Kweon et al. disclose TCP/IP header compression is applied (figure 6, col. 8 lines 1-2).

For claim 8, Kweon et al. disclose mapping of IP packets onto RLP frames is performed by transporting the IP packets on an asynchronous connection using the point to Point protocol (PPP) [as specified in IETF RFC 1661 and 1662] between the Mobile Station (MS) and the Interworking Function (IWF) (figure 6, col. 5 line 55 to col. 6 line 7).

6. Claims 2, 6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kweon et al. (U.S. Patent 6,057,943) in view of "Procedures for real-time Group 3 facsimile communication over IP networks" ITU-T, Series T: Terminals for Telematic Services, T.38, (06/98) further in view of "Digital cellular telecommunications system; Technical realization of facsimile group 3 non-transparent", ETSI TC-SMG (GSM 03.46), November 1996.

For claims 2, 6 and 11, Kweon et al. in view of ITU-T do not disclose in order to handle long delays and avoid errors, the fax messages are transmitted according to the principles outlined in GSM Technical Specification 03.46 or other similar principles such as those outlined in 3G Technical Specification 23.146. In an analogous art, ETSI discloses in order to handle long

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delays and avoid errors, the fax messages are transmitted according to the principles outlined in GSM Technical Specification 03.46 or other similar principles such as those outlined in 3G Technical Specification 23.146 (see Digital cellular telecommunications system; Technical realization of facsimile group 3 non-transparent", ETSI TC-SMG (GSM 03.46)).

ETSI discloses further characterized in that in order to handle long delays and avoid errors, the fax messages are transmitted according to the principles outlined in GSM Technical Specification 03.46 or other similar principles such as those outlined in 3G Technical Specification 23.146 (see Digital cellular telecommunications system; Technical realization of facsimile group 3 non-transparent", ETSI TC-SMG (GSM 03.46)) as set forth in claim 6); on the mobile station side, characterized in a first interface between a standard fax machine and an adapter and a second asynchronous V.24 interface between the adapter and the Terminal Adapter Function (TAF) (see figure 2/03.46, Reference Configuration at the Mobile Station section as set forth in claim 11).

One skilled in the art would have recognized GSM Technical Specification 03.46 to use the teachings of ETSI (European Telecommunications Standards Institute) in the system of Kweon et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the GSM Technical Specification 03.46 as taught by ETSI (European Telecommunications Standards Institute) in Kweon et al.'s system with the motivation being to deal with the procedures allowing the technical realization of the real time end-to-end facsimile group 3 service within the GSM PLMN using non-transparent network support according to the definition of the Teleservices 61 and 62 specified in GSM 02.03 (see Scope section, lines 1-4).



For claim 12, ITU-T in view of Kweon et al. discloses the fax machine and the adapter are bundled into one product, a so-called Internet Aware Facsimile Device (IAFD) (figure I.2/T.38, see Appendix I, I.1.2 section).

For claim 13, ITU-T in view of Kweon et al. discloses said Internet Aware Facsimile Device (IAFD) is arranged as a special purpose fax machine (figure I.2/T.38, see Appendix I, I.1.2 section).

For claim 14, ITU-T in view of Kweon et al. discloses said Internet Aware Facsimile Device (IAFD) is arranged as a PC-like device (see Introduction section, lines 13-14)

For claim 15, ITU-T in view of Kweon et al. discloses said adapter is in form of downloadable software(section 5, Introduction lines 13-15).

#### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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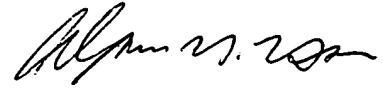
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN  
T.N.



ALPUS H. HSU  
PRIMARY EXAMINER